IN THE HIGH COURT OF JUDICATURE FOR RAJASTHAN AT JODHPUR.

O R D E R

Jagveer & ors. Versus Smt. Krishna & Anr.

S.B. Criminal Misc. Petition No. 690/2003
against the order dated 7-4-2003 passed
by the Additional Sessions Judge, Rajgarh,
in Criminal Revision No. 38/2002.

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Date of Order: August 07, 2006

PRESENT

HON'BLE MR. JUSTICE H.R. PANWAR

Mr. Pradeep Shah, for the petitioners.
Mr. J.R. Beniwal, for non-petitioner No.1.
Mr. Ashok Upadhyaya, Public Prosecutor for the State.

BY THE COURT:

By the instant criminal miscellaneous petition under Section 482 Cr.P.C., the petitioners have challenged the order dated 7-4-2003 passed by the Additional Sessions Judge, Ragarh, district Churu (for short, "the Revisional Court" hereinafter) in Criminal Revision No. 38/2002, whereby the revision petition filed by the petitioners against the order dated 19-7-2002 passed by the Judicial Magistrate, Rajgarh, district Churu (for short, "the trial Court" hereinafter) in Criminal Case No. 130/2002, was dismissed.

I have heard learned counsel for the parties.

Carefully gone through the orders passed by the Revisional Court and the trial Court.

Learned counsel for the parties submit that the marriage solemnized between the complainant/non-petitioner No.1 and petitioner No.1 Jagveer has been dissolved by a decree of divorce dated 17-2-2003 passed by the Additional District Judge, Bhiwani (Haryana) in Divorce Proceedings Case No.38/2002 by the mutual consent of the parties under Section 13-B of the Hindu Marriage Act, 1955 and at the time of going for divorce by a mutual consent, the parties agreed that the complainant would not pursue the criminal case instituted by her against her husband and his other relatives.

Mr. J.R. Beniwal, learned counsel for the complainant/non-petitioner No.1 submits that the parties have compromised the matter and since the marriage solemnized between the complainant and petitioner Jagveer has been dissolved by a decree of divorce by mutual consent, therefore, the complainant/non-petitioner No.1 does not want to pursue the complaint.

Having regard to the facts and circumstances of the case and the fact that the parties have amicably settled their dispute and dissolved the marriage solemnized between the complainant and petitioner No.1 Jagveer by mutual consent and wish to live a peaceful life by settling dispute between them and

separating from each other and in these circumstances, no evidence is likely to be produced by the complainant party against the petitioners. In the circumstances, therefore, keeping in view the decision of the Hon'ble Supreme Court in B.S. Joshi & ors. Vs. State of Haryana & ors., 2003 SCC (Cri.) 848, to allow the proceedings to continue would be nothing but an abuse of the process of the court and, therefore, to secure the ends of justice, the criminal proceeding against the petitioners deserves to be quashed.

In the result, the criminal miscellaneous petition is allowed. The orders dated 7-4-2003 and 19-7-2002 passed by the Revisional Court and the trial Court respectively, are set aside. The proceedings pending against the petitioners stand quashed. The stay petition also stands disposed of.

(H.R. PANWAR), J.

mcs